

## **MINUTES OF BOARD MEETING # 438**

May 10, 2005 12:00PM

### **Members Present:**

Daniel W. Varin, Chairman  
William Penn, V. Chairman  
Timothy Brown  
Robert Griffith  
William Parsons  
Frank Perry  
Jon Schock  
William Stamp, III  
June Swallow  
Alicia Good\*

### **Members Absent:**

\*Member designee

### **Staff Present:**

Kathleen Crawley  
Elaine Maguire  
Brian Riggs  
Beverly O'Keefe  
Tracy Shields  
William Riverzo  
Thomas Walker

### **Guests:**

Erin Bray, Brown University  
Jennifer West, Audubon Society of RI  
Pasquale DeLise, BCWA

#### **1. CALL TO ORDER**

With a quorum present, Chairman Varin called the meeting to order at 12:05 PM.

#### **2. APPROVAL OF MINUTES:**

On a motion by Mr. Parsons, seconded by Mr. Perry, with a note by Chairman Varin to correct the reference to Elaine Maguire on the second page from "Mr." to "Ms.", the Board unanimously approved the minutes of the April 2005 Board meeting.

#### **3. CHIEF BUSINESS OFFICER'S REPORT**

Mr. Penn stated that the Finance Committee reviewed the report and recommended approval. On a motion by Mr. Penn, seconded by Mr. Schock, the Board unanimously approved the Chief Business Officer's Report dated April 2005.

#### **4. CHAIRMAN'S REMARKS**

Chairman Varin reported that he had much to report as it was a busy month. He noted that the Board had discussed bill S-0461, which deals with the confidentiality of water supply systems management plans. The Senate Committee on Environment and Agriculture held a hearing the day following our April Board meeting. The Chairman testified on the Board's position opposing the bill and Pamela Marchand of the Pawtucket Water Supply Board testified against it. Senator Levesque the sponsor of the bill commented that the first section was all wrong and should be ignored. He did not say much about the rest of the bill. The ACLU testified in favor of

the bill—the gist of that was that the plans should be public documents. The comments by the committee members who did not take action at that meeting were generally not favorable to the bill, but there was a mixture of comments.

The Chairman continued that the members were probably aware that the Water Resources Board is one of the seven member agencies of the Bay, Rivers, and Watersheds Coordination Team which was created by legislation last year. The working group met on April 19<sup>th</sup> and discussed the major statutory requirement—that is preparation of a systems level plan and we are still trying to figure out what that is. But, as the first step, the goals and policies of the current agencies who are members and any others that might be identified will be synthesized, so we can see what is already on paper as far as goals and policies are concerned. The Coordination Team itself met the following day and heard reports from their science collaborative and monitoring collaborative committees and discussed but did not determine how to bring federal agencies into the process.

Chairman Varin reminded members that the Board had undertaken a survey of the Big River Management Area. He continued that he and several staff members had met with Mr. Boyer on April 25, the work is complete and the survey plans have now been recorded in each town where any of the property is located. In this process, two encroachments on the boundary were discovered. Both are in the extreme northwest part of the Area—in the Harkney Hill Road vicinity. Neither is a serious encroachment. In one, a shed extends about 2 feet across the boundary and the prior owner—the owner at the time the property was acquired—actually was paid to move it, but never did. The property now is in other ownership. In another location in the same vicinity, an abutting property owner has been dumping stumps and construction debris on our property. Two structures: a cattle shed and a chicken pen do cross the boundary, but they are not major structures. They do not have foundations.

We have referred the surveyor's report to Rebecca Partington for advice on how to address these issues. Although there is no urgency to addressing these issues, they nevertheless must be addressed to avoid any claims of adverse position in the future.

Chairman Varin continued that he and Ms. Crawley had met with Mike Sullivan the new director of the Department of Environmental Management (DEM), and reviewed our major activities and discussed the final stages of work on the Big River ground water development. We explained to him that we need to know what information DEM wants, so we can ensure it is included in the scope of work which is being developed. On a closely related topic, you have a copy of the USGS publication, which as Tim noted, it is getting hard to fit the titles on one page of these publications, but it is popularly known as the Optimization Study. Finally, I attended the Erin Bray's thesis defense on May 6 at the Brown Environmental Studies Program, and she's going to summarize her work here later today. I am happy to report that the faculty members of the defense committee unanimously approved her thesis. This concludes my report.

## **5. GENERAL MANAGER'S REPORT**

We have a few slides here of the Big River Management Area's annual cleanup and the Drinking Water Week activities. I will tell you a little bit about that, but I will start by saying that April was an extremely productive month for Board staff. Elaine Maguire masterminded the annual Big River Management Area Clean Up. Beverly O'Keefe participated and took photos, which have been distributed. Though the event was postponed to Sunday May 1 due to rain, rumor has it that many of the volunteers started early in the rain on Saturday. Volunteers removed 80 tons of garbage as well as 3 flatbeds of tires. Unfortunately, the event was even more successful than last year by ten tons. Also included in the handout are photos from this Year's Drinking Water Week. Stan Knox and United Water nominated Beth Barry for a well-deserved award for her production of the play "Hydroscope". Susan Licardi and staff nominated North Kingstown's Davisville Middle School teachers Mary Barden and Joseph Gilmartin. Education and public outreach activities also included a conservation letter that was sent to all suppliers as discussed in last month's board meeting. I also attended the Lincoln Water Commission ceremony in celebration of their 50th birthday.

Elaine Maguire successfully arranged the second helicopter tour of the state's water resources. I attended along with Bill Stamp from the Board, Tim Costa and Mark Adleman from the Governor's office, Senator Kevin Breene and Representative Ray Sullivan. We landed in Big River to demonstrate the use of the area by the Guard and again in Newport to open the doors for the ride back.

Also in Big River, as the Chairman mentioned we met to review the encroachments. Elaine Maguire, Frank Perry, Mark Boyer and I also visited the sites to fully review the issues and develop an approach moving forward.

I was contacted and have responded to a Journal Reporter asking for information about the Brown matter, how it came to the Board and the Board's decision. Elaine will be providing the reporter with a tour of the entire Management Area.

Elaine and I are moving forward with the Land Use Plan update. We have held two team meetings and two meetings with RIDEM staff to begin to develop a scope of work to evaluate wetlands impacts from the proposed groundwater withdrawals. I am happy to announce that the published USGS Big River groundwater optimization studies have been provided to you today.

Beverly O'Keefe and I attended the Drinking Water Week presentation at the Providence Water Supply Board as I mentioned earlier. The water data reporting effort is moving forward to be tested in a pilot program with forms developed by ESS. The third internal draft of the allocation report is under internal review. The Blackstone Pilot program is moving forward. We have partnered with the Economic Policy Council with funding from the Blackstone River National Heritage Corridor Commission to work with Blackstone communities on build-out and water availability in concert with the implementation team efforts. A survey was designed and completed and on April 28. We have sent Board members a link to the website with the presentations for those who would like to review them. In addition to moving the data effort forward, Beverly is also stepping up to the plate and updating our web site.

I am happy to announce today that the Board has initiated two successful grants. The first will finalize the water mapping project and update the RIGIS coverage for current water supply. Anne Veeger (URI, GeoSciences) will complete the work and the Water Resources Board will contribute in kind staff resources. The total project cost is \$38,000. The second, through the NRCS -WHIP program will be \$200,638 to be used for the restoration of fields and grasslands in the Big River Management Area.

The Chair and I met with W. Michael Sullivan the recently appointed director of DEM and we are planning to meet with the directors of Administration and Health.

The Board audit is winding down, the auditor has returned to DOA to write the report which should be finished sometime in June. Brian Riggs is gearing up for the Budget preparation. The Program Budget as distributed last month is scheduled for Board's approval today. No comments or questions were received. Brian is also handling, with state legal counsel, a notice of Eviction that has been served to the Water Resources Board and the Secretary of State. The board is current in all rent payments. We have received 33 resumes for consideration of the Programming Services Officer position. We have developed the interview questions, a screening process, and a panel and anticipate interviewing candidates within the next two weeks.

Yesterday I received a letter from the Audubon Society which I have distributed to you today. It is complimentary to the Board and I called Eugenia to thank her.

In closing, the Public Drinking Water Protection and Finance Committees met in preparation for today's meeting. Mr. Chairman, this concludes my General Manager's Report.

At the Chairman's call for questions, Ms. Swallow asked whether or not progress was made in the last year in identifying those responsible for the dumping. Ms. Maguire responded that some progress was made and individuals had been prosecuted and have been required to go back into the Management Area to assist in cleaning up as part of their community service.

In response to a question from Mr. Penn, Ms. Maguire explained that these annual clean ups are done in different parts of the Management Area every year.

## **6. COMMITTEE REPORTS AND ACTION ITEMS RESULTING**

### **A. Public Drinking Water Protection Committee—Chair, Robert Griffith**

#### **(1) Supplemental Water Supply Study Phase II:**

- (a) Maguire Group Invoice #9—Payment Requested: \$19,180.00; Recommended payment: \$19,180.00. Request for Approval

Chairman Varin explained that a call had been received just prior to the meeting explaining that Mr. Griffith would be unable to attend. Mr. Perry spoke in Mr. Griffith's stead. Mr. Perry stated that this request was for Phase II of the Supplemental Water Supply study. It is a continuation of the first phase of the study, which dealt with supplemental water supply needs in the Providence Water Supply Board's service area. This second phase of the project complements the first phase. Mr. Perry moved to approve the amount requested with Mr. Stamp seconding. Mr. Penn acknowledged that the Finance Committee had also reviewed the invoice and recommended approval of payment as well. Chairman Varin made mention of the fact that this project is 20 percent complete. Chairman Varin called for a vote to approve the payment, which was unanimous.

#### **(2) Board Policy and Procedures—Referral of Routine Payments and Progress Reports – Request for Approval**

Mr. Perry explained that this item was modification to payment and progress reporting procedures. He explained that in the attachments the members had received were excerpts from the by-laws. The proposed amendment was presented in Attachment C. The committee has recommended approval and recommends that the last three bullets under Public Drinking Water Protection Committee be added to the procedures under both the Property Committee and the CEO Committee. Mr. Perry moved approval with the additions noted, with a second by Mr. Schock

#### **(3) Water Supply Systems Management Plans (WSSMP):**

- (a) Harrisville Fire District Relationship with Pascoag Utility District Regarding Future Water Supply Expansion and Needs—Update

Mr. Perry explained there really was no update for this item; things are status quo.

### **B. Property Committee—Chair, Frank Perry**

Mr. Perry stated this committee did not meet. However, he, Ms. Crawley and Ms. Maguire did meet with the surveyor regarding the encroachment issues. Chairman Varin asked if these issues would be easily resolved, and Mr. Perry responded that one is more significant than the other is. However, since this individual was made aware of the encroachment, he has made strides in cleaning up the area and the addition to barn should be easily moved at any time.

The other situation is not going to be easy to resolve as this individual has a small piece of property, and it does not look as if he is making any effort to eliminate that structure. However, when the Chairman asked if this was the same structure that the previous owner had been paid to move, Mr. Perry confirmed that it was. Mr. Perry continued that the surveyor is going to get more detail regarding the property line.

Mr. Stamp asked if a rent-out could be negotiated and the Chairman answered yes, but that it must be documented with the documentation stating that there was no adverse possession. Mr. Schock noted that it was his understanding that a claim of “adverse possession” could not be made against state property.

**C. Construction, Engineering and Operations Committee—Chair June Swallow**

Ms. Swallow had nothing to report under this item.

**D. Finance Committee—Chair William Penn**

(a) FY 2007 Program Budget—Request for Approval

Mr. Penn stated the 2007 Program Budget was before the Board. He noted the spreadsheet was the third page in was a summary of the budget. He explained that this was an internal financial planning document which gives the Board members the opportunity to review each program and determine the expenses allocated to those programs and the corresponding sources of funding. This document is used to justify the submission of the Board’s budget to the state. He noted that the numbers at the bottom of the spreadsheet indicated the ranking of each program. Ms. Swallow clarified that No. 11 listed as Clean Water Act/Safe Drinking Water Act was actually the Clean Water Finance Agency that is referenced by this budget, and the activity has more to do with technical assistance than water systems themselves, and suggested a name change.

Mr. Brown inquired as to whether or not a financial feasibility study had been done regarding wells in the Management Area or how difficult it would be to bring water up to those wells. He directed attention to the last paragraph on page 6 referring to a valuable asset to the general fund, but those wells are not utilized and tapped. His concern is how much more money can be put into this effort, which may not be financially feasible. If the study hasn’t been done, he asked if it should be added to this part of the budget.

Chairman Varin explained that regardless of what had been spent thus far, the Board was now on the last step, and the scope of the project currently was being negotiated. He continued that it would be expensive. A business-type plan had been done years ago, but it was so long ago that the estimates of quantities of water and the cost of producing it, and possible revenues from selling were now out of date. At the time, the revenue estimate was approximately \$2 million per year. The way to get accurate data is to put out a request for proposals from actual developers.

Mr. Penn stated that the Board needed to consider was how could the economic value of that water supply be tapped. Would it be by having a developer come in and develop the wells, would the Board develop the wells itself, would the Board actually become a water supplier? The answers to these questions would establish the economics. A couple of years ago, a couple of different scenarios were considered. Therefore, the Board must determine which direction it wants to go and then the RFP can be developed with specifics.

Mr. Brown continued that he did not believe it was just a revenue issue, but also whether or not it would be a sellable product. If there is only 3 mgd in the summer or 3.5 mgd in August, it would not be worth putting in the necessary infrastructure. The cost is tens of millions of dollars in development.

Chairman Varin pointed out that the Quonset-Davisville plan, which was adopted by the new corporation within the past month, calls for substantially more water than can be obtained currently, and there are very few alternatives available. Therefore, they may have no other alternative to obtain the necessary water. Mr. Brown explained that he was stating that this should be studied further. Mr. Perry echoed the concerns raised by Mr. Brown. Mr. Schock noted that demand ultimately would drive feasibility.

Mr. Stamp asked what other alternatives were on the table and the Chairman answered desalination, and explained that were a desalination plant built, with the current energy situation in the Northeast, it would have to be a coal-fired plant, which would not be welcomed by many. The Chairman continued that long-term there might be alternatives, but short-term, there were not many.

Mr. Stamp asked if building the reservoir was an option, and the Chairman answered affirmatively, but that it would take another 8 – 12 years to complete.

Mr. Penn moved approval, with a second by Mr. Schock, the motion passed.

**E. Legislative Committee—Chair Daniel W. Varin**

(1) 2005 Legislation

(a) Status Update on Bills Previously Considered:

(1) H-6172 **Sub A** Relating to Waters and Navigation (Separation of Powers) Recommendation – For Discussion

The Chairman noted the House had passed this bill, and it went to the Senate Government Oversight Committee on April 28, 2005.

(b) Bills Received/Status Updates since Distribution of Agenda

(1) S-1007 An Act Relating to the Permanent Joint Committee on Water Resources

The Chairman explained that this bill noted the changes in the committee structure taking it from 7 to 8 members and these appointments will be made as follows: 4 of whom shall be from the house of representatives to be appointed by the speaker, not more than 3 of whom shall be from the same political party; 4 of whom shall be from the senate to be appointed by the president of the senate, not more than 3 of whom shall be from the same political party. The committee would have two co-chairs, one appointed by the speaker and the other appointed by the president of the senate. This bill was presented for information only.

**F. Strategic Committee—Chair Daniel W. Varin**

Chairman Varin did not have anything to report under this item.

**G. Personnel Committee—Chair Jon Schock**

Mr. Schock did not have anything to report under this item.

**7. NEW BUSINESS**

**8. OTHER BUSINESS**

(a) **Shad Factory Briefing**—Pasquale DeLise, Executive Director, Bristol County Water Authority

Chairman Varin introduced Mr. DeLise who reported that he had good news. Mr. DeLise stated that there had been a pre-bid conference held on April 18 for the engineering and design work. He also expected 5 or 6 additional bids to be received by 3:00 p.m. today. Chairman Varin thanked Mr. DeLise for his report.

(b) **Brown University—Thesis Presentation, Erin Bray**

Ms. Bray presented her thesis, which reviewed the current and anticipated water demands in Coventry and West Greenwich. Ms. Bray noted that current water supply is adequate for current demand. Her key findings note: 1) it is possible to reduce new demands by growth management, rural residential zoning changes, amendments to require proof of water at the Master Plan state, and cooperating in the Artificial Recharge Pilot Project; 2) it is possible to meet all new demands (14-21mgal/d) by expanding Mishnock to 4.3 mgal/d, by operating all existing wells, and by using conservation.

One recommendation of Ms. Bray's thesis relating to conservation was to increase rates, use an inclining block rate structure, and/or seasonal rates. Mr. Schock explained that billing is done after the fact and even a punitive rate schedule would not dissuade some from misusing the resource. Mr. Perry added that theoretically this is a very good idea; however, currently the technology is not in place to implement such a concept. Mr. Perry cautioned that using the average water use information and not considering maximum daily demands underestimates the amount of water that is available to meet demand. Mr. Stamp noted the agricultural community's effort to conserve, and added that the public must be educated about water conservation and how it can contribute to this effort. Mr. Brown explained that the problem with going to seasonal billing is that during a wet season there must be enough funds set aside to cover the rates for that period of time, which is difficult for a regulatory body to accomplish. Ms. Bray added that she and Chairman Varin had discussed the idea of the municipality implementing impact fees for water use. Mr. Brown again noted the request to have the Board establish statewide conservation efforts.

**9. RECESS OF BOARD FOR BOARD CORPORATE BUSINESS**

With no objection, Chairman Varin recessed the Board for Board Corporate Business at 1:30 P.M.

**10. RETURN FROM BOARD CORPORATE BUSINESS**

At 1:32 P.M., the Board returned from Board Corporate business.

**11. OPEN CALL FOR EXECUTIVE SESSION IN ACCORDANCE WITH:  
R.I.G.L. 42-46-5(a)(1) JOB PERFORMANCE—GENERAL MANAGER POSITION**

Chairman Varin noted that he did not have anything to report under this item.

**12. ADJOURNMENT**

On a motion by Mr. Schock, seconded by Mr. Stamp, the Board unanimously voted to adjourn at 1:34 PM.

Respectfully Submitted,

Tracy Shields  
Personnel Aide

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